

SENATE BILL 1487

By Green

AN ACT to amend Tennessee Code Annotated, Title 47,
Title 55 and Title 62, relative to motor vehicle
recalls.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 55, is amended by adding the following
new chapter:

55-54-101. This chapter shall be known and may be cited as "Laura's Law."

55-54-102. For purposes of this chapter:

(1) "Manufacturer's safety recall" means a recall conducted pursuant to 49
U.S.C. § 30118 in which a recall notice to owners of affected motor vehicles has been
issued, but does not include a stop-sale-stop-drive recall;

(2) "Motor vehicle" means any self-propelled motor-driven vehicle having a gross
vehicle weight rating (GVWR) of ten thousand pounds (10,000 lbs.) or less of the type
required to be registered and titled under this title and includes both new motor vehicles
and used motor vehicles;

(3) "Motor vehicle dealer" or "dealer" means any person or entity not excluded
by § 55-17-102(19) engaged in the business of selling, offering to sell, soliciting or
advertising the sale of motor vehicles, or possessing motor vehicles for the purpose of
resale, either on that person's own account or on behalf of another, either as that
person's primary business or incidental to that person's business;

(4) "New motor vehicle" means any motor vehicle having a gross vehicle weight
rating (GVWR) of ten thousand pounds (10,000 lbs.) or less that has never been subject
to a sale at retail to the general public;

(5) "Recall database" means a database from which an individual may obtain vehicle identification number (VIN) specific stop-sale-stop-drive recall and manufacturer's safety recall information relevant to a specific motor vehicle, including, but not limited to, www.safercar.gov;

(6) "Recall database report" means a report, specific to a vehicle that is identified by its VIN, containing information obtained from a recall database;

(7) "Stop-sale-stop-drive recall" means a recall notice provided to owners of affected motor vehicles, pursuant to 49 U.S.C. § 30118 when the motor vehicle manufacturer or the national highway traffic safety administration informs the motor vehicle dealer to stop the sale of the motor vehicle or contains preremedy precaution advice to the owner to stop operating the motor vehicle;

(8) "Used motor vehicle" means a motor vehicle having a gross vehicle weight rating (GVWR) of ten thousand pounds (10,000 lbs.) or less that has been the subject of a sale at retail to the general public; and

(9) "Vehicle manufacturer" means a person or entity who manufactures, assembles, or distributes new and unused motor vehicles.

55-54-103.

(a) A motor vehicle dealer shall not offer for sale at retail a used motor vehicle until the motor vehicle dealer has obtained a recall database report for the used motor vehicle. The motor vehicle dealer shall update the recall database report forty-eight (48) hours prior to the sale of the used motor vehicle.

(b) If a recall database report obtained by a motor vehicle dealer indicates that a used motor vehicle is subject to a stop-sale-stop-drive recall, the dealer shall not sell the used motor vehicle at retail until the recall repair has been made.

(c)

(1) If a recall database report obtained by a dealer indicates that a used motor vehicle is subject to a manufacturer's safety recall that has not been

repaired, the dealer shall not sell the used motor vehicle at retail unless the dealer makes the recall repair or all of the following are satisfied:

(A) The dealer discloses the manufacturer's safety recall by providing a copy of the recall database report to the consumer prior to the sale of the used motor vehicle; and

(B) The consumer signs a disclosure acknowledging that the used motor vehicle has a manufacturer's safety recall that has not been repaired.

(2) To comply with subdivision (c)(1)(B), a recall database report that indicates the used motor vehicle is subject to a manufacturer's safety recall and the recall repair has not been made shall be disclosed to the consumer in a document that is signed by the consumer and is separate from the conditional sales contract or other motor vehicle purchase agreement.

(3) The recall database disclosure form required by subdivision (c)(2) shall be as follows:

DISCLOSURE OF RECALL INFORMATION

VEHICLE: **MAKE:** _____ **MODEL:** _____
 YEAR: _____ **VIN:** _____

For your safety we have performed a recall search on the web site of the National Highway Transportation Safety Administration (NHTSA) (www.safercar.gov). The results of that search and the date it was performed are attached to this notice.

It is our information that the recall repairs have not been performed.

You must also be aware that the manufacturer of this vehicle may have "campaigns" or "service bulletins" regarding this vehicle that you should check through either www.safercar.gov or the manufacturer's web site. The NHTSA web site may not be up to date, so you need to periodically check.

Date: _____

Customer: _____

Print Name: _____

Date: _____

Co-Buyer: _____

Print Name: _____

(4) Compliance with this section may not be waived by any consumer.

55-54-104.

(a) A violation of this chapter constitutes a violation of the Tennessee Consumer Protection Act of 1977, compiled in title 47, chapter 18, part 1.

(b) For the purpose of application of the Tennessee Consumer Protection Act of 1977, any violation of this chapter shall constitute an unfair or deceptive act or practice affecting trade or commerce and shall be subject to the penalties and remedies as provided in the Tennessee Consumer Protection Act of 1977.

(c) A motor vehicle dealer shall be entitled to rely upon the information provided by the recall database. Compliance with this chapter constitutes compliance with the

Tennessee Consumer Protection Act of 1977, as well as compliance with title 55, chapter 17, part 1.

SECTION 2. This act shall take effect January 1, 2017, the public welfare requiring it.